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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,683	07/09/2002	Antonius Emmerink	449122025500	4836
25227 7590 02/22/2007 MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 300 MCLEAN, VA 22102			EXAMINER SCHEIBEL, ROBERT C	
			ART UNIT 2616	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/22/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/088,683	EMMERINK ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Robert C. Scheibel	2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 December 2006.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-17 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____.                         |

## **DETAILED ACTION**

- Examiner acknowledges receipt of the amendment filed 12/20/2006.
- Claims 6, 9, 15, and 17 are currently amended.
- Claims 1-17 are currently pending.

### *Response to Arguments*

1. Applicant's arguments, see page 5, filed 12/20/2006, with respect to the objection to claim 6 have been fully considered and are persuasive. The objection to claim 6 has been withdrawn.
2. Applicant's arguments, see page 5, filed 12/20/2006, with respect to the rejection of claim 17 under 35 U.S.C 112, second paragraph, have been fully considered and are persuasive. The rejection of claim 17 under 35 U.S.C 112, second paragraph, has been withdrawn.
3. Applicant's arguments, see pages 5-7, filed 12/20/2006, with respect to the rejection of claims 1-17 under 35 U.S.C. 102(e) have been fully considered but they are not persuasive.  
  
In the fifth paragraph on page 5, Applicant cites portions of claim 1 and asserts that Gardner does not disclose the limitation of the first and second type of communication devices. In the following paragraphs, Applicant expands this argument. For example, in the sixth paragraph on page 5, Applicant argues that claim 1 distinguishes between "switches" and "communication devices" and that thus a switching system is not the same as a communication device. Examiner respectfully disagrees and believes that Gardner discloses the communication devices as specified in the present broad claim language. Switching devices are clearly a type of communication device. In this same paragraph, Applicant emphasizes that the claim specifies

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first and second types of communication devices and asserts that Gardner does not disclose this limitation. Examiner respectfully disagrees; as indicated in the previous rejection, Gardner discloses that element 206 and 208 are different types of devices (“another type of switch”) in lines 53-56 of column 6.

In the first full paragraph on page 6, Applicant argues that switching system cannot be used to disclose the decentralized switching device as it was already used to disclose one of the communication devices. However, the present claim language is broad and there is nothing in the language requiring the communication device (broad) to be distinct from the switching device (slightly more narrow).

In the next paragraph, Applicant argues that Gardner does not disclose originating signaling. However, Gardner does disclose this limitation (“generate call signaling” in line 9 of column 6, for example). Further, the broad claim language (“signaling takes place from”) does not indicate clearly that the signaling originates at the central device.

Applicant states that claim 9 is allowable for substantially the same reasons as claim 1 and comments similarly on the remaining (dependent) claims. For the reasons stated above, Examiner respectfully disagrees.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,982,950 to Gardner.

Regarding claim 1, Gardner teaches a method for setting up and/or clearing a communications link via communication devices of at least a first and a second type (e.g., see abstract, and see also col. 5, lines 33-41 regarding "first switching system 206 and second switching system 208" and col. 6, lines 53-61 regarding "the second switching system 208 is another type of switch"), comprising: signaling the at least first and second type of communication devices to control the setting up and/or clearing of the communications link (e.g., see col. 6, lines 4-52 regarding "The signaling processor 224 ... generates and transports control messages that identify the selected connections", "The ATM matrix 226 is a controllable ATM matrix that establishes connections in response to control messages received from the signaling processor 224", and "The ATM matrix 226 transmits and receives call signaling and user communications over the connections"); and setting up and/or clearing the connection for the first type via at least one decentralized switching device (e.g., via switching system 206, see FIG. 2 and col. 5, line 59 - col. 6, line 32), wherein the signaling takes place from the central device (e.g., signaling takes place from the centralized "tandem system 204", see col. 5, line 33 - col. 7, line 52; particularly col. 6, lines 4-20 regarding "tandem system 204 comprises a signaling processor 224" and "signaling processor 224 is a signaling platform that can receive, process, and generate call signaling").

Regarding claim 2, Gardner teaches the connection is set up and/or cleared via a central device for the second type (e.g., see col. 6, line 53 - col. 7, line 52 regarding centralized "tandem system 204" performing connection operations including at least connection setup).

Regarding claim 3, Gardner teaches the connection is set up via a transport network for the first type (e.g., see col. 2, lines 3-18 regarding "The system comprises a first switching system that transports the user communications over a first connection", and also see FIG. 3 regarding first type comprising "networking unit 302").

Regarding claim 4, Gardner teaches the central device (e.g., tandem system 204) controls a decentralized switching device (e.g., switching system 206, see FIG. 2) (e.g., see col. 6, lines 4-52 regarding operation of "tandem system 204").

Regarding claim 5, Gardner teaches communications data for the communications link is converted in the region of a decentralized switching device for communication devices of different types (e.g., see col. 10, line 26 - col. 12, line 24; particularly col. 10, line 57 - col. 11, line 8 regarding "interface 506 ... converts the user communications to ... [a different] format").

Regarding claim 6, Gardner teaches setting up and/or clearing the communications link from a communications terminal which is configured for connection via time slots in a time slot multiplexing connection (e.g., see col. 5, lines 42-47 regarding "time division multiplex (TDM) base calls can be connected by the tandem system 204"), the connection being set up via a transport network (e.g., see col. 2, lines 3-18 regarding "The system comprises a first switching system that transports the user communications over a first connection", and also see FIG. 3 regarding first type comprising "networking unit 302") by producing, in the central device (e.g., tandem system 204), at least one time slot (e.g., TDM communications at col. 5, lines 42-47

inherently comprise timeslots) control information item which is used for setting up connections in the transport network (e.g., see col. 6, lines 8-20 regarding "signaling processor 224 [within tandem system 204] ... generates and transports control messages that identify the selected connections"), and one time slot (e.g., TDM communications at col. 5, lines 42-47 inherently comprise timeslots) is reserved for transferring communication data between communication devices of different types (e.g., see col. 6, lines 21-32 regarding "The ATM matrix 226 transmits and receives call signaling and user communications over the connections"; see also col. 6, line 56 regarding "the second switching system 208 is another type of switch" and col. 10, line 57 - col. 11, line 8 regarding "interface 506 ... converts the user communications to ... [a different] format").

Regarding claim 7, Gardner teaches the time slot (e.g., TDM communications at col. 5, lines 42-47 inherently comprise timeslots) control information is linked to a transport-network-specific information item (e.g., identifier for the selected connection) and is transmitted to a decentralized device (e.g., switching system 208) (e.g., see col. 6, lines 8-20 and 46-52 regarding "signaling processor 224 [within tandem system 204] ... generates and transports control messages that identify the selected connections" and "the call is received by the second switching system").

Regarding claim 8, Gardner teaches an asynchronous transmission is used for transmission via the communications link (e.g., see col. 5, lines 29-32 regarding "the present invention includes a system for providing a tandem switching system for an asynchronous transfer mode (ATM) network").

Regarding claim 9, Gardner teaches a system for setting up and/or clearing a communications link via communication devices of at least a first and a second type (e.g., see abstract, and see also col. 5, lines 33-41 regarding "first switching system 206 and second switching system 208" and col. 6, lines 53-61 regarding "the second switching system 208 is another type of switch"), comprising: a transport network (e.g., comprising links 210, 212 and 214 to/from switching systems 206 and 208) to provide the communications link between communication devices of a first type (e.g., devices connecting to 216 and 218 links at switching system 206, see FIG. 2); a control network (e.g., tandem system 204) to control the setting up and/or clearing of the communications link (e.g., see col. 6, lines 4-32 regarding operations of tandem system 204 for at least setting up communication links); a switching matrix (e.g., ATM matrix 226) to provide the communications link between communications of the second type (e.g., devices connecting to 220 and 222 at switching system 208); and a device (e.g., signaling processor 224) to control the setting up and/or clearing of connections in the transport network through the control network (e.g., see col. 6, lines 4-32 regarding "The signaling processor is a signaling platform that can receive, process, and generate call signaling ... [and] also selects virtual connections and circuit-based connections for call routing and generates and transports control messages that identify the selected connections"), the device being operatively connected to the switching matrix (e.g., ATM matrix 226, connected via link 228), and connection control information for the switching matrix (e.g., ATM matrix 226) being supplied to them as part of a control information item (e.g., see col. 6, lines 8-20 regarding "signaling processor 224 [within tandem system 204] ... generates and transports control messages that identify the selected connections" and "ATM matrix 226 transmits and receives call signaling and user

communications over the connections. Typically ATM matrix transmits call signaling to and from the signaling processor 224").

Regarding claim 10, Gardner teaches the transport network (e.g., comprising links 210, 212 and 214 to/from switching systems 206 and 208) has a different topology than the control network (e.g., tandem system 204) (e.g., see FIG. 2 and col. 5, line 33 - col. 7, line 52 describing the unique topology of tandem system 204).

Regarding claim 11, Gardner teaches the transport network has at least one decentralized device (e.g., switching system 206, see FIG. 2) for connection of a communications terminal (e.g., at links 216 and 218), and has a switching device in the region of the decentralized device (e.g., switching system 206 by definition comprises a switching device) which provides the communications link (e.g., link 210 and/or 214) in the transport network.

Regarding claim 12, Gardner teaches the communication device of the second type (e.g., see col. 6, line 56 regarding "the second switching system 208 is another type of switch") has at least one peripheral device with at least one device for connection of a communications terminal (e.g., inherently at one of links 220 and 222), and has a switching device (e.g., switching system 208 by definition comprises a switching device) to provide the communications link (e.g., link 212 and/or 214) in the transport network.

Regarding claim 13, Gardner teaches a conversion apparatus for conversion of communication data (e.g., see col. 10, line 26 - col. 12, line 24; particularly col. 10, line 57 -col. 11, line 8 regarding "'interface 506 ... converts the user communications to ... [a different] format"), which conversion apparatus converts communication data in at least one data flow direction as a function of the type of communication device, with at least data types for a

communication device of the first type and for a communication device of the second type (e.g., see col. 10, line 56 - col. 11, line 14 regarding conversion for OC-N or STS-N formats corresponding to the interface type).

Regarding claim 14, Gardner teaches the conversion apparatus is configured in the data flow in the immediate vicinity of a decentralized switching device (e.g., see col. 10, line 26 - col. 12, line 24; particularly col. 10, line 57 - col. 11, line 8 regarding "interface 506 ... converts the user communications to ... [a different] format"; and see FIG. 5 regarding placement of interface 506 by communication device 524).

Regarding claim 15, Gardner teaches a central device (e.g., link 228, see FIG. 2) to provide at least one connection-related service feature (e.g., for sending/receiving call signaling, see col. 6, lines 3-20), the device (e.g., link 228) being operatively connected to the central device (e.g., coupling signaling processor 224 to ATM matrix 226 within tandem system 204, see FIG. 2).

Regarding claim 16, Gardner teaches the system is in the form of a private branch exchange (e.g., see col. 5, line 59 - col. 6, line 3 regarding "CPE can be a private branch exchange") and has at least one decentralized device for connection of communications terminals (e.g., see col. 5, line 59 - col. 6, line 3 regarding "The switching systems 206 and 208 comprise ... customer premise equipment (CPE), ... or any other device capable of handling a call").

Regarding claim 17, Gardner teaches a control device to provide the communications link in the region of the decentralized device, if a central control device is not available (e.g., see col. 6, line 53 - col. 7, line 17 regarding when "connection 214 is not available .... The call is alternatively routed through the tandem system 204").

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert C. Scheibel whose telephone number is 571-272-3169. The examiner can normally be reached on Monday and Thursday from 7:00-5:30 Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*RCS* 2-5-07  
Robert C. Scheibel  
Patent Examiner  
Art Unit 2616

*Seema S. Rao*  
SEEMA S. RAO 2/20/07  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600